

PUBLIC NOTICE: 08-02

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND
OPPORTUNITY TO COMMENT**

AGENCY: United States Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, NY 10007

ACTION: Notice of Proposed Administrative Penalty Assessments and Opportunity to
Comment

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for
alleged violations of the Clean Water Act (Act). EPA is also providing notice of opportunity to
comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), EPA is authorized to issue Orders assessing civil penalties for
various violations of the Act. EPA may issue such Orders after the commencement of a Class I
or Class II penalty proceeding. EPA provides Public Notice of the proposed assessment pursuant
to 33 U.S.C. §1319(g)(4)(A).

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of
Practice Governing The Administrative Assessment of Civil Penalties, Issuance of Compliance
or Corrective Action Orders and the Revocation Termination or Suspension of Permits", 40 CFR
Part 22. The procedures through which the public may submit written comment on a proposed
administrative penalty action or participate in an administrative penalty proceeding, and the
procedures by which a Respondent may request a Hearing, are set forth in the Consolidated
Rules. The deadline for submitting public comment this administrative civil penalty proceeding
is thirty (30) days after issuance of this Public Notice.

On the date identified below, EPA commenced the following administrative action for the
assessment of administrative civil penalties: In the matter of **Rio Construction Corporation**,
P.O. Box 1042, Caparra Heights Station, San Juan, Puerto Rico 00922-0462, Docket No. CWA-
02-2007-3414; Filed on September 04, 2007 with Regional Hearing Clerk Karen Maples, EPA
Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247; Proposed
Penalty: **\$124,407** for violations of its NPDES General Permit for Storm Water Discharges from
Construction Activities (NPDES Tracking No. PRR10B936) pursuant to Section 402 of the Act
at a highway construction project at "Geometric Improvements PR-18 and PR-22, Roosevelt
Avenue to Calaf Street, San Juan, PR".

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated
Rules, or review documents filed in these proceedings, comment upon the proposed assessments,

or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance